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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,084	02/28/2007	Brett Justin Eric Franz	1266.1101101	5974

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MINNEAPOLIS, MN 55403-2420

EXAMINER
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COGILL, JOHN M

ART UNIT	PAPER NUMBER
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3782

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,084	<b>Applicant(s)</b> FRANZI, BRETT JUSTIN ERIC	
	<b>Examiner</b> JOHN COGILL	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: “the first retaining member” in line 10 should be –the first retaining element--. Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: “the front portion” in lines 1-2 should be –the forward portion--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the rear portion" in line 11. There is insufficient antecedent basis for this limitation in the claim. It is unclear whether this rear portion refers to the rear portion of line 4 or the rear portion of line 8.

Examiner further notes that this may be corrected by changing “a rear portion” in line 8 to –the rear portion--.

6. Claim 2 recites the limitation "the rear portion" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear whether this rear portion refers to the rear portion of claim 1, line 4 or the rear portion of claim 1, line 8.

7. Claim 14 recites the limitation "the base" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1, 3, and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/33678 to Sande (Sande) in view of US Patent No. 3,140,895 to Straumann (Straumann).

With regard to claim 1, Sande discloses a device for mounting and supporting a load on a seat having a co-operating seat belt, comprising a base (22); a rear portion (24); a forward portion (23, 25) having a slot (26 with 26c, Fig. 6) as claimed; a mounting portion (21) arranged as claimed; and a rear portion (28) comprising a curved retaining element utilizable to engage the seat bottom such that secure engagement is achieved to resist forward motion of the device relative to the seat, irrespective of whether there is correct and effective engagement of the seat belt.

Sande, however, fails to disclose the rear portion having a slot member as a slot between to retaining elements that is utilizable by inserting and pivoting as claimed.

Straumann discloses a similar device for mounting and supporting a load on a seat, comprising a rear portion (14, 20) having a slot member disposed between a first retaining element (upturned end of 14, Fig. 2) and a second retaining element (20), wherein the slot is used to engage the seat back (Fig. 1). The device is capable of use by inserting the first retaining member and pivoting the rear portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the seat-mounted load-supporting device of Sande with the rear portion with slot of Straumann to provide an alternative seat engaging means and forward motion restricting means known in the art, to provide stronger rear-support of the device.

With regard to claim 3, the first and second retaining elements are spaced from one another by an amount corresponding to the thickness of a back rest (Fig. 1 and col. 3, ln. 4 in Straumann).

With regard to claim 5, the base (22) has a substantially flat body portion (34) and an upwardly extending portion (23) having a forward edge recess (recess at forward edge between 23 and 26c, Fig. 6) as claimed.

With regard to claim 6, an arrangement on the forward portion (to the degree claimed, 21 is on front portion at 25; pg. 5 lines 6-8) swivel mounts (at axis A) an appliance and provides a release system (via gripping means, pg. 4 ln. 30) for removably clamping (to the degree claimed) the appliance into position.

With regard to claim 7, a receiving tray (34, particularly the rear section thereof) between the mounting portion (21, particularly the front section of 21) and seat back is functionally capable of retaining documents.

With regard to claim 8, Sande discloses a device for mounting an object to a passenger seat of a motor vehicle, comprising a support (22) as claimed; a securing means (26, 28) comprising a belt retainer (26 with 26c, Fig. 6) as claimed and a seat engaging component (28).

Sande, however, fails to disclose the seat engaging component having a slot member as a slot between to retaining elements that is utilizable by inserting and pivoting as claimed.

Straumann discloses a similar device for mounting and supporting a load on a seat, comprising a rear portion (14, 20) having a slot member disposed between a first retaining element (upturned end of 14, Fig. 2) and a second retaining element (20), wherein the slot is used to engage the seat back (Fig. 1). The device is capable of use by inserting the first retaining member and pivoting the rear portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the seat-mounted load-supporting device of Sande with the rear portion with slot of Straumann to provide an alternative seat engaging means and forward motion restricting means known in the art, to provide stronger rear-support of the device.

With regard to claim 9, the seat engaging component comprises a first part (end of 14 in Straumann) and second part (20) as claimed

With regard to claim 10, a third part (bottom of 14 in Straumann) defines a void for receiving the back support (Fig. 1).

With regard to claim 11, the belt retainer comprises spaced apart elements (26c, 26d in Sande, see pg 4 lines 22-23) as claimed.

With regard to claim 12, the securing means comprises a base (34 in Sande) having opposed end sections (front end section at 23, Fig. 6) as claimed.

With regard to claim 13, the support (22 at 21) is pivotally coupled to the securing means (the lid 21 is pivotally coupled to the whole bottom of the device, as in Figs. 1 and 9).

With regard to claim 14, a housing (24, 25) is mounted to the base (34) for housing the object.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sande in view of Straumann as applied to claim 1 above, and further in view of US Patent No. 3,388,886 to Tucker (Tucker).

Modified Sande discloses substantially the invention with retaining elements, but the retaining elements are not T-shaped as claimed.

Tucker discloses a similar device for mounting and supporting a load on a seat, wherein the rear portion (3 with 1) has a generally T-shaped form (Fig. 5) with elements (two halves of 1) that extend upwardly and downwardly as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the retaining elements of Sande in view of Straumann with the upward and downward extending T-shape of Tucker to provide an alternative means of engaging the seat at different locations, as is known in the art.

11. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sande in view of Straumann as applied to claim 1 above, and further in view of US Patent No. 4,942,827 to Norgaard (Norgaard).

Modified Sande discloses substantially the invention with the device in the form of a base with integral upstanding rear walls to form a U-shaped cross sectional shape

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to be engaged under the rear of a seat back, but is silent as to the manner in which the base is formed.

Norgaard discloses a similar seat-mounted device with U-shaped section (34, 38) engaging a seat back, wherein the base is a molded base (col. 5, ln. 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the base of Sande in view of Straumann with the moulded formation of Norgaard to provide an alternative construction means known in the art as an obvious matter of design choice.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN COGILL whose telephone number is (571)270-7458. The examiner can normally be reached on Monday through Friday, 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./  
Examiner, Art Unit 3782

/Justin M Larson/  
Examiner, Art Unit 3782  
7/19/10